

## **REMARKS**

### **Claim Rejections-35 U.S.C. §112**

Claim 23 has been rejected under 35 U.S.C. §112 as being dependent upon itself. Claim 23 has been amended to make it properly dependent on claim 22.

### **Claim Objections**

The second set of claims numbered 16-18 has been renumbered, as suggested by the Examiner, to claims 43-45 respectively.

### **Double Patenting**

Claims 1 and 24 have been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over co-pending application number 10/663,863. Claims 1 and 24 have been amended, as will be described below, to incorporate the limitations of claim 17 and claim 36 respectively. These latter claims have been indicated to be allowable and not subject to the obviousness type double patenting rejection. Accordingly, it is believed that this double patenting rejection has been overcome.

### **Claim Rejections-35 U.S.C. §101**

Claims 22 and 23 have been rejected under 35 U.S.C. §101 as being directed toward nonstatutory subject matter. These claims have been amended as proposed by the Examiner to recite that they are a "computer programs stored on a computer recordable medium executing on a computer".

### **Claim Rejections-35 U.S.C. §102**

Claims rejected under this section have been amended to incorporate the limitations of claims indicated to be allowable as described below.

### **Allowable Subject Matter**

Claims 6, 9, 12-15, 16a, 17a, 16b, 21, 29, 32, 34-36, 38, and 41 have been objected to as being dependent upon a rejected base claim but have been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Accordingly claim 1 has been amended to incorporate the limitation of allowable claim 17 which was dependent on claim 1. Accordingly it is believed that claims 1-16,

18, 19, 43-45 are now in condition for allowance. Claim 17 has been canceled.

Claim 20 has been amended to incorporate the limitation of allowable claim 21 which was dependent on claim 20. Accordingly it is believed that claim 20 is now allowable. Claim 21 has been canceled.

Claim 24 has been amended to incorporate the limitations of allowable claim 36 dependent on claim 24. Accordingly it is believed that claims 24-35, 37-39 are now in condition for allowance. Claim 36 has been canceled.

Claim 40 has been amended to incorporate the limitation of allowable claim 41 dependent on claim 40. Accordingly, it is believed that claim 40 is now allowable. Claim 41 has been canceled.

Claims 22 and 23 are indicated to be allowable if rewritten to overcome the rejection under 35 U.S.C. §112 and 35 U.S.C. §101. These amendments have been made as described above and thus it is believed that claims 22 and 23 are now in condition for allowance.

Claim 42 has been indicated to be allowable.

In light of these remarks and amendments, it is believed that claims 1-16, 18-20, 22-35, 37-40, and 42 are now in condition for allowance and allowance is respectfully requested.

The Examiner is encouraged to contact the undersigned if minor amendments are needed in the figures, specification, or claims to bring this case into allowance.

Very truly yours,

By: 

Keith M. Baxter  
Reg. No. 31,233  
Attorney for Applicant  
Boyle Fredrickson Newholm Stein & Gratz, S.C.  
250 East Wisconsin Avenue, Suite 1030  
Milwaukee, WI 53202